

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DAVID LIN,

Plaintiff,

-v-

PHILIP WHITMAN,

Defendant.  
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21-CV-691 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On May 26, 2021, the Court set a briefing schedule for Plaintiff's default judgment motion and scheduled a show cause hearing for July 26, 2021 at 10:00 a.m. Dkt. 19. After reviewing Plaintiff's motion for default judgment, Dkt. 21, memorandum of law in support of the motion, Dkt. 22, the accompanying declarations, Dkts. 23-26, and the proposed default judgment, Dkt. 27, the Court will not be addressing the default judgment motion at the hearing on July 26, 2021 at 10:00 a.m. Instead, counsel for Plaintiff should be prepared to discuss the following issues:

1. Whether Plaintiff has standing under New York City Administrative Code section 8-602(a), which states that only "the corporation counsel . . . may bring a civil action on behalf of the city" under that statute.
2. Whether Plaintiff has sufficiently alleged diversity jurisdiction, given that the Complaint does not allege Plaintiff's domicile, but instead says that he is a "former resident of New York County who now resides partly abroad and partly in California." Dkt. 4 ¶ 5.

SO ORDERED.

Dated: July 22, 2021  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge